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- An Employee-Owned Company -

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20445

REF: *Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Broadcast Service*
MM Docket No. 99-325

Dear Mr. Caton:

Shively Labs, a Division of Howell Laboratories, Inc. ("Shively Labs"), hereby submits these comments in response to the Commission's December 19, 2001 Public Notice in the above-referenced proceeding. In its Public Notice, the Commission requested comment on the National Radio Systems Committee's ("NRSC") recent evaluation of iBiquity Digital Corporation's ("iBiquity") FM IBOC system and the results of iBiquity's FM system tests. The information iBiquity and the NRSC have supplied to the FCC demonstrates the viability of IBOC technology and the important potential public benefits of this new technology. Shively Labs encourages the Commission to expeditiously endorse the iBiquity system in order to foster the implementation of terrestrial digital audio broadcasting in the United States.

Shively Labs is a manufacturer of transmission equipment for the broadcast industry. Shively Labs is a worldwide supplier of FM and TV antennas and related RF products. It has been in business for 35 years. Shively shares its management and production staff with its parent, Howell Laboratories, Inc., and in addition has an experienced sales, engineering and technician staff devoted exclusively to its broadcast products.

Shively and Howell occupy a modern 35,000 square foot building which contains office, laboratory and production space for its 62 employees. There are exterior antenna test ranges on its eight-acre property. Communications, engineering, drafting, testing and production control are fully computerized.

Both Howell and Shively are experienced in large multi-year contracts and projects. Howell is the principal supplier of waveguide air drying equipment for the U.S. Navy in support of the Aegis and other radar systems. Its equipment is aboard all the U.S. Navy's surface combatants as well as those of several foreign navies. The company was a prime contractor for several of the U.S. Navy's NAVSPASOR antenna sites; one of these included an antenna array over two miles long.

Shively Labs has supplied many complex multi-channel FM broadcast systems, particularly in the United States, although there are such Shively systems in Korea and Thailand. Among these are an eleven station system in Miami, Florida, a ten station system in Miami, Florida, a ten station system at the John Hancock Center in Chicago, Illinois, a seven station system in Seattle, Washington, and a twelve station system for the Condé Nast Building at 4 Times Square in New York City.

For the last four years Shively Labs has been working directly with USADR, now iBiquity, to become a leader in the implementation of high powered injection and filtering of the IBOC signal into the existing analog systems.

As a manufacturer of the equipment that broadcasters will require in order to implement IBOC, Shively Labs has a strong interest in the outcome of this proceeding and the FCC's consideration of IBOC technology.

The FCC has had many years to consider the best means to implement digital broadcasting in the United States. Shively Labs, along with many others involved with radio broadcasting, has watched closely as IBOC technology has developed into a viable commercial technology. iBiquity's validation testing completed in 2001 strongly portrayed the benefits that IBOC will bring to broadcasting and the listening public. IBOC will allow broadcasters to offer improved audio quality and more reliable reception. This will greatly benefit all listeners with IBOC receivers. The NRSC's evaluation of the iBiquity tests has confirmed these benefits. The NRSC also confirmed that these benefits can be achieved without harm to existing analog reception in the vast majority of cases. Together, the iBiquity report and the NRSC endorsement provide the necessary foundation for the Commission to promptly endorse IBOC.

Shively Labs has analyzed iBiquity's technology and determined it is can be incorporated into Shively Labs' line of transmission equipment in a cost-effective manner. Shively Labs believes broadcasters will find few obstacles to completing a quick upgrade of their facilities to introduce digital broadcasting. However, Shively Labs' broadcaster customers have clearly indicated FCC endorsement of IBOC is necessary to promote widespread implementation of this technology.

Based on the forgoing, Shively Labs encourages the Commission to take several steps. First, the Commission should announce that it has stopped exploring out-of-band solutions for terrestrial digital radio. The IBOC test results demonstrate this is no longer necessary. The Commission also should strongly endorse the iBiquity IBOC system as the best means of introducing digital broadcasting in the United States. Finally, the Commission should move forward toward the adoption of a formal IBOC standard to encourage broadcasters, receiver manufacturers and consumers to upgrade to digital. This should include proposing rules that enable the introduction of IBOC at the earliest possible date.

The NRSC endorsement and iBiquity test report confirm that the promise of IBOC has been successfully implemented in a commercial product that has the potential for many benefits. The FCC should quickly move forward to allow stations to commence the IBOC rollout and not wait until a final standard is adopted before authorizing the commencement of digital broadcasts. The design of the IBOC system and its ability to be implemented without causing harmful interference to existing users provides the Commission with the flexibility to authorize the commencement of digital broadcasts while the Commission finalizes its IBOC rules and an IBOC standard. Shively Labs encourages the FCC to avoid regulatory delay and to promptly endorse the iBiquity system to encourage the roll out of this new technology.

Respectfully submitted,

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